

CITY OF SAN JOSÉ, CALIFORNIA
Department of Planning, Building and Code Enforcement
801 North First Street, Room 400
San José, California 95110-1795

STAFF REPORT

Hearing Date/Agenda Number
P.C. 5/28/03 Item: 3.h.

File Number
PDC03-019

Application Type
Planned Development Rezoning

Council District
1

Planning Area
West Valley

Assessor's Parcel Number(s)
303-33-003

PROJECT DESCRIPTION

Completed by: Darren McBain

Location: East side of South Cypress Avenue approximately 110 feet northerly of Adra Avenue (412 South Cypress Avenue)

Gross Acreage: 0.37

Net Acreage: 0.37

Net Density: 17 dwelling units per acre

Existing Zoning: A(PD) Planned Development Existing Use: One single-family detached residence

Proposed Zoning: A(PD) Planned Development Proposed Use: Four single-family detached courthome units and two apartments

GENERAL PLAN

Completed by: DM

Land Use/Transportation Diagram Designation
Medium High Density Residential (12-25 DU/AC)

Project Conformance:
☒ Yes ☐ No
☐ See Analysis and Recommendations

SURROUNDING LAND USES AND ZONING

Completed by: DM

North: Single-family detached house A(PD) Planned Development (approved for three courthome units)

East: Four single-family attached units R-M Residence

South: Single-family detached house A(PD) Planned Development

West: Senior housing R-1-8 Residence

ENVIRONMENTAL STATUS

Completed by: DM

☐ Environmental Impact Report found complete
☐ Negative Declaration circulated on
☒ Re-use of previously adopted Negative Declaration

☐ Exempt
☐ Environmental Review Incomplete

FILE HISTORY

Completed by: DM

Annexation Title: Winchester No. 16

Date: November 13, 1959

PLANNING DEPARTMENT RECOMMENDATIONS AND ACTION

☒ Approval
☐ Approval with Conditions
☐ Denial
☐ Uphold Director's Decision

Date: _____

Approved by: _____
☐ Action
☒ Recommendation

APPLICANT/OWNER/DEVELOPER

E & H 1st FLP
Attn.: Emily Chen
21009 Seven Springs Parkway
Cupertino, CA 95014

PUBLIC AGENCY COMMENTS RECEIVED

Completed by: DM

Department of Public Works

See attached memo

Other Departments and Agencies

See attached Fire Department memo

GENERAL CORRESPONDENCE

None received.

ANALYSIS AND RECOMMENDATIONS

BACKGROUND

The applicant, Emily Chen, is proposing a Planned Development Rezoning from A(PD) Planned Development to A(PD) Planned Development to allow up to four single-family detached courthome-type residences and two apartments on a 0.34-acre site. The project consists of four separate buildings. Each of the two proposed rear buildings has a one-bedroom apartment unit located above the garage, for a total of six proposed units.

The project site is currently developed with a single-family detached, ranch-style residence that was built in the 1950s. The existing house is proposed to be demolished. The subject site and the adjacent parcel to the south (same ownership) were previously approved for six single-family attached rowhouse-type units under File No. PDC99-052. A Planned Development Permit to develop that project was not subsequently filed. The proposed rezoning would supersede the previously approved Planned Development Zoning on the site. The applicants have indicated that, in the future, they intend to develop their adjacent parcel to the south—which formed the other half of the overall site area of the previously approved project—with a project similar to the current proposal.

The site is bordered by a single-family house to the north. That site and the site to the north of it each have approved plans to demolish the existing structures and build three courthome units per lot. The parcel to the east has four single-family attached units that were built in 2002-2003. The site to the south, which is also owned by the applicant for this project, is currently developed with a circa-1950s house. A senior citizens housing complex is located across Cypress Avenue to the west.

Project Description

The proposal consists of four free-standing, two-story courthome-type buildings, two of which also include a one-bedroom apartment unit on the second floor. The four “main” residential units are approximately 2,400 square feet in area, and the two “secondary” upstairs units are approximately 600 square feet. The secondary units have private entrances and are accessed from stairs on the outside of the main unit. Each of the main units has a private yard, and the second units have balconies. The main units have two-car garages. Parking for the second units and for guests is provided by four on-site surface parking spaces and four on-street parking spaces.

ENVIRONMENTAL REVIEW

This project is covered by the Negative Declaration (ND) that was adopted for the previous project (File No. PDC99-052) on May 22, 2001. This ND provided environmental clearance for up to 11 single-family attached residential units on this site and the adjacent parcel to the south. (At the time that the ND was circulated, the final unit type and unit count for the previous project had not yet been finalized).

Trees

The key issue that was addressed in the Initial Study for the ND was the project's potential impact on trees that are present on the site. Two ordinance-size, and one smaller than ordinance-size, Camphor trees in front of the project site are located in the public right-of-way between the sidewalk and the front property line. The ordinance-size Camphor trees will be preserved. The smaller tree is proposed to be removed. Because it is located in the public right-of-way, a Tree Removal Permit from the City Arborist is required prior to removal of the tree.

There are five non-ordinance-size trees on the interior of the site. Three of these trees, including a Walnut tree, a Pyracantha tree, and an Oak tree (see discussion below) are proposed for removal. The removal of these trees is not considered a significant environmental impact or a project issue. Mitigation at established replacement rates will be included in the project at the Planned Development Permit stage to offset the loss of the trees that will be removed.

The trees proposed for removal include an approximately 38-inch-circumference Coast Live Oak tree. Although this tree is of a valued native species, preservation of this smaller than ordinance-size specimen would limit the development potential of the site considerably. Staff has informed the applicant that the feasibility of relocating this tree on-site or off-site will be reviewed at the Planned Development Permit stage. The adopted ND for the previously approved project assumed removal of this tree. However, a 25-inch circumference Oak tree and a larger, ordinance-size (approximately 75-inch circumference) Oak tree on the adjacent parcel to the south, under the same property ownership, will be preserved when that parcel is developed. Preservation of the larger tree was a requirement of the ND for the previously approved project, which covered both sites.

Existing House

In the City of San Jose, any building more than 50 years old is considered to be of potential historical interest and is further evaluated accordingly. The existing single-family ranch-style house on the site, which was built in the 1950s, was examined by Planning staff and was determined to have no historical significance for purposes of CEQA review.

GENERAL PLAN CONFORMANCE

The proposed project has a net density of 17 dwelling units per acre, which conforms to the site's General Plan Land Use/Transportation Diagram designation of Medium High Density Residential (12-25 DU/AC).

ANALYSIS

The primary issues concerned in staff's analysis of the proposed rezoning are site design and architecture, as noted in greater detail below. The proposed rezoning will supersede a previously approved project on this site and the adjacent parcel to the south (File No. PDC99-052). The previous project consisted of seven rowhouse-type units accessed from both sides of a central driveway. The previous project had a relatively standard site layout, with the disadvantage of there not being any building mass providing a visual terminus at the end of the driveway. It is staff's opinion that, in comparison to the previously approved project, the current proposal will present a more attractively designed appearance to the street. It will make more efficient use of the infill housing opportunities of the site's General Plan designation of 12 to 25 units per acre, in that six units are now being proposed on only half of the overall site area of the previously approved seven-unit project. With a density of 17 units per acre, the currently proposed project still falls within the midrange of the site's designation of 12-25 units per acre. The applicant is currently preparing plans for a similar project on the adjacent parcel (i.e., the other half of the overall site area of the previously approved project).

Site Design

Based on the following analysis, the proposed project is in substantial or full conformance with all of the development standards recommended in the City's *Residential Design Guidelines* (RDGs) for courthome units with regard to setbacks, parking, and open space.

Courtyard design. The RDGs recognize courthomes as a distinct and specialized unit type. Individual buildings in a courthome development have more of a sense of unity and cohesiveness than in typical developments. The courtyard is intended to be a significant site design element, amenity, and focal point, as opposed to an ordinary driveway and parking area. The courtyard for the proposed project substantially accomplishes the design objectives of the RDGs, in that:

- The four units in the two rear buildings (including two secondary units) have prominent entrances that are accessed from the courtyard
- Internal separation between the units is minimized, and a visual terminus is provided at the end of the courtyard
- Significant interior landscaping is provided along the edges of the courtyard
- The secondary units' balconies overlook the courtyard, providing activity and natural surveillance
- All of the garage doors are accessed from the courtyard rather than from the street. Special courtyard paving treatment, specific landscaping details, and other appropriate upgrades to the treatment of the courtyard area will be reviewed at the Planned development Permit stage.

Setbacks: The project's site design includes a front setback of 19 feet (16 feet for porches). This setback is less than those of the existing single-family houses immediately to the north and south of the project. However, the proposed setback matches the approved units to be built on the parcel to the north and the anticipated units to be built on the parcel to the south (same ownership as the subject site). The rear units have varying rear setbacks of five feet (one-story elements) and 12 to 25 feet (two-story elements), depending on whether the unit is backing up to the yards of attached or detached residential units. The proposed setbacks conform to the RDGs, provide an adequate amount of separation, and should not impact the privacy of neighboring residents.

The minimum internal side setbacks vary from three feet to five feet, in a pattern that matches the approved development to the north of the site. The portions that are set back only three feet will match

the anticipated development on the adjacent site to the south (same ownership). A note has been included on this project's General Development Plan, requiring the developer to increase the three-foot setback to five feet prior to approval of a Planned Development Permit, if a matching project has not been approved on the adjacent site by such time.

Private Open Space: Each of the main units has an enclosed yard space of approximately 400 to 550 square feet, consistent with the 400-square-foot minimum that the RDGs recommend for courthomes. The upstairs second units have balconies overlooking the courtyard area. As shown on the conceptual Site Plan, the balconies are 40 square feet in size. At the subsequent Planned Development Permit stage, they should be increased to 60 square feet (minimum six-foot depth), in conformance with the *Residential Design Guidelines*.

Parking: The RDGs recommend that two covered spaces and 1.3 additional guest parking spaces be provided for each courthome unit. This parking ratio is higher than it would otherwise be for some other unit types because on-street parking spaces along the project frontage (which are not in fact available at all times) are included in the calculation. The RDGs recommend 1.5 spaces for each one-bedroom unit. The total number of parking spaces recommended for this project by the RDGs is 16.2. The secondary units will not be allowed to be subdivided and sold separately from the primary units.

The total number of parking spaces provided is 16, including four on-street spaces along the project frontage. Although this is slightly less than the RDGs' recommendation, staff's opinion is that the proposed amount of parking is adequate, given the atypical nature of the apartment units included in the project. These secondary units are fully equipped dwelling units but differ from typical apartments, in that they are structurally integrated into a primary single-family residence and seem likely to be used sometimes by family members rather than function as a truly separate and individual household. When used as a "semi"-separate unit by family members, the second units might reasonably be expected to generate less additional parking demand than a fully individual and stand-alone one-bedroom unit would.

Architecture

This project consists of two-story units with a height of approximately 25 feet. The unit type and general style of the proposed structures are reasonably compatible with existing development and approved (but not yet constructed) development in this rapidly changing neighborhood. However, some elements of the architecture as shown, such as the porch and second-story gable elements for unit type 1 should be further refined in order to appear less tall and massive. As is typical at the Planned Development Rezoning stage, the architecture that is shown is considered "conceptual" and will undergo further review by staff at the following Planned Development Permit stage. Building materials, roofing, colors, and other details will be selected for their compatibility with the neighborhood development pattern.

PUBLIC OUTREACH

Pursuant to the City Council's Public Outreach Policy, notices for the public hearing for this project were distributed to the owners and tenants of all properties located within 500 feet of the project site and published in the Mercury News.

CONCLUSION

The proposed site design and unit type will, in staff's opinion, blend harmoniously with existing and approved development in this area of the city. The somewhat atypical "integrated secondary units" represent an opportunity to increase the unit count on this infill site, while still falling well within the site's General Plan density range of 12 to 25 units per acre and without changing the basic architectural character of the project or the neighborhood. Furthermore, the secondary units will create a mix of unit types on the site and provide an opportunity—albeit a relatively limited one in the case of this small infill site—for "de facto" affordable housing for lower-income tenants, elderly people, students, and/or others for whom few new housing units are being built at the present time.

RECOMMENDATION

Planning staff recommends the Planning Commission forward a recommendation of approval and the City Council adopt an ordinance rezoning the subject site for the following reasons:

1. The proposed project conforms to the site's General Plan Land Use/Transportation Diagram designation of Medium High Density Residential (12-25 DU/AC).
2. The proposed project conforms to the objectives of the Residential Design Guidelines.
3. The project furthers the goals and objectives of the City's in-fill housing strategies.
4. The proposed rezoning is compatible with existing and proposed uses on adjacent properties.

Attachments:

Public Works memo
Fire Department memo
Reuse of previously adopted Negative Declaration
Original Negative Declaration
Location map
Plan set